

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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|-----------------------------|---|---|
| BUTLER CAPITAL CORPORATION, |) | Civil Action No. 2:09-CV-83 (GEB) (MCA) |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| CALLCOMMAND, LLC, ALLEN |) | <u>Order</u> |
| BABINGTON, JAY MERNEN, AND |) | |
| JOHN TATE, |) | |
| |) | |
| Defendants. |) | |
| |) | |

THIS MATTER having come before the Court by way of a telephone status conference on August 12, 2010, pursuant to the Pretrial Scheduling Order dated May 17, 2010; Joseph A. Marino, Esq., appearing on behalf of Plaintiff; Nancy A. Washington, Esq. and Steven C. Coffaro, Esq., appearing on behalf of the Defendants; and for good cause shown:

IT IS ON THIS 17 DAY OF AUGUST, 2010,

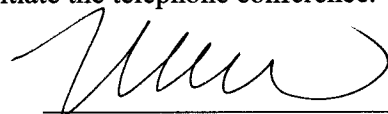
ORDERED THAT:

1. Plaintiff's time within which to either serve five (5) interrogatories or take Mr. Jay Murnen's deposition on issues relating to personal jurisdiction is hereby extended from June 11, 2010 to September 10, 2010. In the event that Plaintiff elects to depose Mr. Murnen, such deposition will be conducted on or before September 10, 2010 in Cincinnati, Ohio. All rights to discovery relating to personal jurisdiction are waived after September 10, 2010, unless otherwise ordered by the Court.

2. Defendants may re-file their Motion to Dismiss based on lack of personal jurisdiction on or after September 10, 2010.

3. Plaintiff will advise the Court and the Defendants as to the status of any efforts at service upon John Tate on or before September 15, 2010.

4. There shall be a telephone status conference before the undersigned on November 9, 2010 at 4:00 p.m. Defendants' counsel will initiate the telephone conference.



HON. MADELINE COX ARLEO
United States Magistrate Judge